

Proposed Rule Amendments to:
§364.1. Requirements for Licensure.
§364.2. Initial License by Examination.
§364.3. Temporary License.
§364.4. Licensure by Endorsement.

Please note that these are PROPOSED amendments. They have NOT been adopted. The current rules are in effect. Please [click this link](#) to view the current rules.

Introduction:

The Texas Board of Occupational Therapy Examiners proposes amendments to §364.1-§364.4, concerning licensing requirements for applicants applying for their first Texas occupational therapy or occupational therapy assistant license. The amendments would clarify licensing requirements and eligibility for those applying for a regular, temporary, or provisional license and would reflect the process whereby applicants who have already taken and passed the National Board for Certification in Occupational Therapy (NBCOT) certification examination may complete requirements for licensure. The amendments, furthermore, would add the requirement that an applicant with a history of licensure in occupational therapy must submit a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license; this must be an original verification sent directly to the Board by the licensing board in that state or territory, with any disciplinary actions reported to the Board. The amendment also would clarify that U.S. active duty service members and/or their spouses shall notify the Board of their military affiliation when submitting their Uniformed Services Military ID Card in order to ensure such may be collocated with their application for licensure.

The amendment to §364.3, Temporary License, in particular, would remove language stating that if an applicant does not take the first available examination, the temporary license will be revoked. The amendment would clarify, alternately, that a temporary license is void for the temporary licensee who does not take NBCOT certification examination during the 90 day window as stated on the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT (according to the current rule, the applicant must submit this form as one of the conditions for receiving a temporary license).

In addition, the amendment to §364.4, Licensure by Endorsement would remove the provisional license option for former Texas licensees who hold a current license in another state. This option was a holdover from before the adoption of §370.3, Restoration of a Texas License. Individuals who have already held a Texas OT or OTA license must restore their Texas license according to §370.3, Restoration of a Texas License. The removal of this provisional license option, therefore, would be a cleanup. For example, in the current rule, the provisional license option for former Texas licensees requires that those who hold a current license in another U.S. state must, in addition to completing other requirements, retake and pass the NBCOT examination. Such an applicant, however, when applying for restoration by §370.3, need not retake the NBCOT examination.

The proposed amendments include further cleanups and grammatical revisions, as well.

Comments: Comments on the proposed amendments may be submitted to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701 or to lea@ptot.texas.gov no later than 30 days from the date that these proposed amendments are published in the *Texas Register*.

These proposed amendments with the complete preamble will be published in the February 27, 2015 edition of the [Texas Register](#).

Please note that any new words/phrases in the proposal are underlined. Language that has been removed has a strikethrough and is in brackets.

Chapter 364. REQUIREMENTS FOR LICENSURE

§364.1. Requirements for Licensure.

(a) All applicants for initial Texas licensure shall:

- (1) submit a complete application form or online application with a recent passport-type color photograph of the applicant;
- (2) submit a non-refundable application fee as set by the Executive Council;
- (3) submit a successfully completed Board ~~[board]~~ jurisprudence examination on the Texas Occupational Therapy Practice Act and Board ~~[board]~~ rules;
- (4) have completed an accredited OT/OTA program;
- (5) have completed supervised fieldwork experience, a minimum of 6 months for OT and 2 months for OTA; and [-]
- (6) either meet the requirements in §364.2 of this title (relating to Initial License by Examination) and apply by examination or meet the requirements in §364.4 of this title (relating to Licensure by Endorsement) and apply by endorsement.

(b) The applicant must also meet the requirements in §364.2 of this title (relating to Initial License by Examination) and apply by examination if the applicant:

(1) has not passed the NBCOT certification examination; or

(2) has passed the NBCOT certification examination and

(A) is not currently licensed as an occupational therapist or occupational therapy assistant in another state or territory of the U.S.; or

(B) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S and cannot substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

~~[(b) If the applicant has not passed the national licensure examination, the applicant must also meet the requirements in §364.2 of this title (relating to Initial License by Examination).]~~

(c) The applicant must also meet the requirements in §364.4 of this title (relating to Licensure by Endorsement) and apply by endorsement if the applicant has passed the NBCOT certification examination and:

(1) is currently licensed as an occupational therapist or occupational therapy assistant in another state or territory of the U.S.; or

(2) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and can substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

~~[(c) If the applicant is licensed as an occupational therapist or occupational therapy assistant in another state, jurisdiction of the U.S., or U.S. military, the applicant must also meet the requirements as stated in §364.4 of this title (relating to Licensure by Endorsement).]~~

(d) For applicants who are active U.S. military service members or U.S. veterans, ~~any military service, training or education verified and credited by an accredited OT or OTA program is acceptable to the Board.~~ Applicants who are U.S. active duty military service members and their spouses shall receive expedited services from the Board. Applicants shall mail or fax a copy of the Uniformed Services Military ID Card and notify the Board of their military affiliation.

~~[(1) Applicants will mail or fax a copy of the Uniformed Services Military ID.]~~

~~[(2) Applicants who are U.S. active duty Military and their spouses shall receive expedited services from the Board.]~~

(e) An application for license is valid for one year after the date it is received by the Board. ~~[board.]~~ At the end of the year, the application fee must be paid to continue the application process for the second year. The process will then continue under the terms of the original application.

(f) An applicant who submits an application containing false information may be denied a license by the Board. ~~[board.]~~

(g) Should the Board ~~[board]~~ reject an application for license, the reasons for the rejection will be communicated in writing to the applicant. The applicant may submit additional information and request reconsideration by the Board. If the applicant remains dissatisfied, a hearing may be requested as specified in the Act.

(h) Applicants and licensees must notify the Board ~~[board]~~ in writing of changes in name, residential address, mailing address, email address, and work address within 30 days of the change. The address [Address] of record is the information provided to the public. Until licensees select an address of record, the business address will be used as the default. If no business address is available, the mailing address will be used. If no alternate address is available, the home address will be used. Applicants and licensees [The licensee] may update this information at any time.

(i) The Board will issue a replacement copy of a license to replace one lost or destroyed upon receipt of a written request and the appropriate fee from the licensee. For a name change, the appropriate fee and a copy of the legal document (e.g. marriage certificate, divorce decree) enacting the name change must accompany the request.

(j) The first regular license is valid from the date of issuance until the last day of the applicant's birth month, with a duration of at least two years.

(k) Licensees will follow the rules for continuing education, as described in Chapter 367 of this title (relating to Continuing Education).

§364.2. Initial License by Examination.

(a) An applicant applying for license by examination must:

(1) meet all provisions of [for] §364.1 of this title (relating to Requirements for a License);
~~[and send the board a copy of the examination registration showing that a NBCOT score report has been ordered for TBOTE; and]~~

(2) submit a copy of the receipt showing that an NBCOT score report has been ordered for the Board; and

(3) [(2)] pass the NBCOT certification examination for occupational therapists or occupational therapy assistants with a score set by NBCOT. Score reports must be sent directly to the Board by NBCOT. [or their score reporting service.]

~~[(3) application for license must be received no later than two years following date of exam.]~~

(b) The application for license must be received no later than two years following the date of the passing examination. If the application is received after this time, the applicant must take and pass the NBCOT examination for licensure purposes only. The applicant must request Board approval to take this examination and submit a copy of the receipt showing that an NBCOT score report has been ordered for the Board. The score report must be sent directly to the Board by NBCOT.

~~[(b) Upon receiving the test scores from NBCOT the Board will automatically issue a regular license to the applicant with a passing score.]~~

(c) An applicant who fails an examination may take additional examinations by sending in the appropriate fee with the Board's [board's] re-exam form.

(d) An applicant with a history of licensure in occupational therapy must submit a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license. This must be an original verification sent directly to the Board by the licensing board in that state or territory. Any disciplinary actions must be reported to the Board.

~~[(d) An applicant for license is valid for one year from the date it is received by the board. At the end of the year the application fee must be paid to continue the application process for the second year. The process will then continue under the terms of the original application.]~~

(e) Previous Texas licensees are not eligible for Initial License by Examination.

§364.3. Temporary License.

(a) The Board ~~may only~~ ~~[board will]~~ issue a temporary license to an applicant who is taking the NBCOT certification examination ~~[exam]~~ for the first time.

(b) Temporary Licensure is not available to applicants who have received a license in any ~~[another]~~ state or territory of the U.S. ~~[;U.S. Territory]~~ or another country as an occupational therapy practitioner or to applicants applying from the U.S. military or a non-licensing state or territory of the U.S. who have had occupational therapy employment for at least two years immediately preceding application for a Texas license, unless it was ~~[they were licensed]~~ as a certified occupational therapy assistant (COTA) or an occupational therapy assistant (OTA), and they now meet the requirements for a temporary license as an OT. In this section, "occupational therapy practitioner" means an individual licensed as an occupational therapist or occupational therapy assistant in any state or territory of the U.S.

(c) To be issued a temporary license, the applicant must:

(1) meet all provisions ~~[provision]~~ of §364.1 of this title (relating to Requirements ~~[Requirement]~~ for a License);

(2) meet all provisions ~~[provision]~~ of §364.2 of this title (relating to License by Examination);

(3) submit the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT, which must be sent directly to the Board ~~[board]~~ by NBCOT and which reflects the 90 day window in which the applicant will take the examination;

(4) submit a signed Verification of Supervision Form as provided by the Board; and ~~[board;]~~

(5) send the Board ~~[board]~~ the temporary license ~~[application]~~ fee as set by the Executive Council. ~~[;and]~~

~~[(6) submit the copy of the NBCOT examination registration, which reflects that a score report has been ordered for TBOTE.]~~

(d) If the applicant fails the examination, fails to take the examination during the 90 day window as stated on the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT, or fails to have the score reported, the temporary license is void and must be returned to the Board. An additional temporary license will not be issued.

~~[(d) If the applicant fails to take the first available examination, or fails to have the score reported, the temporary license will be revoked.]~~

~~[(e) If the applicant fails the examination, the temporary license is void and must be returned. No second temporary licenses are issued after the failure of the examination.]~~

(e) [(f)] A temporary license shall be valid no longer than 180 days.

§364.4. Licensure by Endorsement.

(a) The Board ~~[board]~~ may issue a license by endorsement to applicants who have passed the NBCOT certification examination and are either currently licensed in another state ~~[- District of Columbia]~~ or territory of the United States which has licensing requirements substantially equivalent to this state or, if not currently licensed in a state or territory of the U.S., are applying from the U.S. military or a non-licensing state or territory of the U.S. and can substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license. Previous Texas licensees are not eligible for Licensure ~~[License]~~ by Endorsement. An applicant ~~[Applicant]~~ seeking licensure by endorsement must:

(1) meet all provisions of ~~[for]~~ §364.1 of this title (relating to Requirements for Licensure); ~~[License];~~

(2) arrange to have NBCOT send directly to the Board the applicant's NBCOT certification examination score report (or for applicants examined prior to 1986, a Verification of Certification form); and

~~[(2) arrange to have NBCOT's score report form sent directly to the board except applicants examined prior to 1985 should have NBCOT provide the board its Verification of Certification form.]~~

(3) submit a verification of license ~~[license(s) in good standing]~~ from each state or territory of the U.S. ~~[the state(s)]~~ in which the applicant is currently licensed ~~[-]~~ or previously held a license. This must be an original verification sent directly to the Board by the licensing board in that state or territory. Any disciplinary actions must be reported to the Board. If the applicant is not currently licensed in a state or territory of the U.S. and is applying from the U.S. military or a non-licensing state or territory of the U.S., a Verification of Employment form must be submitted substantiating occupational therapy employment for at least two years immediately preceding application for a Texas license. ~~[-or]~~

~~[(4) submit, if applying from a non-licensing state or US military and not holding a current state license, a Verification of Employment form substantiating occupational therapy employment for at least 2 years immediately preceding application for a Texas license.]~~

(b) Provisional License: The Board may grant a Provisional License to an applicant who is applying for licensure by endorsement if there is an unwarranted delay in the submission of required documentation outside the applicant's control. All other requirements for licensure by endorsement must be met. The applicant must also submit the Provisional License fee as set by the Executive Council. The Board may not grant a provisional license to applicants with disciplinary action in their license history or to applicants with pending disciplinary action. The Provisional License will have a duration of 180 days.

~~[(1) The Board may grant a Provisional License to an applicant who is applying for License by endorsement if there is an unwarranted delay in the submission of required documentation outside the applicant's control. All other requirements for licensure by endorsement must be met. The applicant must also submit the Provisional License fee as set by the Executive Council. The Board may not grant a provisional license to an applicant with disciplinary action in their license history, or to an applicant with pending disciplinary action. The Provisional License will have duration of 180 days.]~~

~~[(2) The Board may grant a Provisional License to an applicant who has previously held a Texas license and does not meet the requirements for restoration of a license as outlined in Chapter 370 provided that such applicant has a current license in good standing in another state which has licensing requirements substantially equivalent to Texas. Upon receiving a passing score from NBCOT, a new regular license will be issued, as outlined in §364.2 of this title (relating to Initial License by Examination). A failing score will result in revocation of the Provisional License. The Provisional License will have duration of 180 days. The applicant must:]~~

~~[(A) submit a new application as outlined in §364.1 and §364.2 of this title;]~~

~~[(B) submit verification of the current license in another state or US territory;]~~

~~[(C) submit the provisional license fee as set by the Executive Council;]~~

~~[(D) submit a copy of the confirmation of registration for NBCOT's national examination.]~~